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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,304	02/13/2004	Sheng-He Huang	CIP2411A-SHH	7978
30265	7590	09/06/2007		
RAYMOND Y. CHAN 108 N. YNEZ AVE., SUITE 128 MONTEREY PARK, CA 91754			EXAMINER PORTNER, VIRGINIA ALLEN	
			ART UNIT 1645	PAPER NUMBER
			MAIL DATE 09/06/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10779304	2/13/04	HUANG, SHENG-HE	CIP2411A-SHH

RAYMOND Y. CHAN  
108 N. YNEZ AVE., SUITE 128  
MONTEREY PARK, CA 91754

**EXAMINER**

Ginny Portner

ART UNIT	PAPER
1645	20070820

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

Please see attached non-responsive letter.

*Election/Restrictions*

1. The replies filed on March 22, 2007 and June 18, 2007 are not fully responsive to the prior Office Action because: Applicant canceled the elected invention leaving only non-elected claims which stand withdrawn from consideration in the Application. Since the period for reply set forth in the prior Office action has expired; this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

- a. Applicant's election of Group II in the paper dated June 13, 2007 is NON-Responsive.
- b. If Applicant wishes to prosecute Group II, Applicant must file a **Divisional** Application. (See narrative for filing a divisional application provided June 1, 2007).
- c. An amendment canceling all claims drawn to the elected invention (Group I) and presenting only claims drawn to the nonelected invention should not be entered. Such an amendment is nonresponsive. Applicant should be notified as directed in MPEP § 714.03 and § 714.05. See MPEP § 821.03.


d. Since applicant has received an action on the merits for the originally presented (elected, Group I, claims 1-2) invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 3-17 stand withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ginny Portner whose telephone number is (571) 272-0862. The examiner can normally be reached on flextime, but usually M-F, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on (571) 272-0787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vgp August 20, 2007

  
MARK NAVARRO  
PRIMARY EXAMINER